

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA, *et al.*, :**

***ex rel. STAN ELLIS*** : :

v. : :

**CVS HEALTH CORPORATION, *et al.*** : :

**CIVIL ACTION NO. 16-1582**

**ORDER**

This 2nd day of May, 2023, for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** that Defendants' Motion to Dismiss (ECF 36) is **GRANTED** in part, as follows. The following Defendants are dismissed without prejudice: CVS Pharmacy, Inc.; Silverscript, LLC; Caremark Rx LLC; Caremark, LLC; Caremark PCS, LLC; Silverscript Insurance Company; and Accendo Insurance Company. Counts Three, Sixteen, Nineteen, Twenty-Three, Thirty-Seven, and Thirty-Nine are dismissed with prejudice. Plaintiff-Relator's "legal falsity" claims are dismissed without prejudice, and, unless successfully amended, the remaining claims are limited to a "worthless services" theory pertaining to Humira, Enbrel, and Copaxone. In all other respects, the motion is denied. Plaintiff is granted 21 days within which to file an amended complaint.

/s/ Gerald Austin McHugh  
United States District Judge